THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27142 of 2006

Dated:30.04.2007

Between:

Mandal Revenue Officer.

…Petitioner

and

The Commissioner of Appeals, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27142 of 2006

ORDER:

The application of the third respondent and five others under Section 11(a) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short 'the Act'), was rejected by the Settlement Officer, Nellore, vide order dated 06.11.1974. Aggrieved by the same, the third respondent preferred a revision under Section 5(2) of the Act before the second respondent, who by order dated 25.08.1981 confirmed the orders of the Settlement Officer. However, in further revision under Section 7(d) of the Act, the first respondent by order dated 25.04.1987 set aside the order and remanded the matter to the second respondent for *de novo* enquiry. Thereafter, the second respondent by order dated 18.05.2000 allowed the claim. There was a revision by the petitioner against the said order. By order dated 16.03.2006 the first respondent dismissed the revision. This Writ Petition is filed against the said order by the Mandal Revenue Officer.

When the matter was heard at the preliminary stage on 29.12.2006, this Court insisted upon the authorization by the Government enabling the District Collector or the Mandal Revenue Officer to file such a Writ Petition. In spite of granting sufficient time, no such authorization is filed. On 02.04.2007 this Court while adjourning the matter to 09.04.2007, directed the matter to be listed under the caption "for dismissal". Now, the learned Assistant Government Pleader for Revenue (General-A) submits that the file is under circulation in the concerned Department of Secretariat regarding the

authorization to the District Collector. Such submission itself shows that the Writ Petition is filed by the Mandal Revenue Officer without obtaining proper instructions from the District Collector or without proper authorization by the Government.

The Writ Petition is, therefore, not maintainable, and is accordingly dismissed. Liberty is, however, given to the proper Authorized Officer to file the Writ Petition after obtaining authorization. No costs.

_____

(V.V.S.RAO, J)

30.04.2007
vs